

# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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### PART Env-Ws 362 - RESERVED

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### PART Env-Ws 360 GENERAL OPERATIONAL REQUIREMENTS OF A PUBLIC WATER SYSTEM

#### Env-Ws 360.01 Notification of Impairment.

(a) The owner of a community or non-community, non-transient water system shall notify the department within 24 hours after discovery of the following:

- (1) Actual or suspected tampering, sabotage, security breach, or any suspicious incident at the water system;
- (2) Interruption in the treatment of a public water supply due to flood, storm or other cause; or
- (3) Damage or depletion in the source of the supply which impairs the quality or sufficiency of the supply.

(b) Such notifications shall be made by telephone, fax, e-mail, messenger or whatever other means of confirmable, rapid communication is available.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

#### Env-Ws 360.02 Notice of Change of Personnel.

(a) The owner of a public water system shall notify the department whenever a change occurs in any of the following:

- (1) Staff personnel having responsibility for ensuring compliance with state or federal drinking water requirements; or
- (2) Any firm providing service to the system which may affect compliance with state or federal drinking water requirements.

(b) The notice provided pursuant to (a)(1), above, shall include the individual's name, title, responsibilities, mailing address, and daytime telephone number and, if available, a fax number and e-mail address.

(c) The notice provided pursuant to (a)(2), above, shall include the following information:

- (1) The name and location of the system;
- (2) The name, mailing address, and daytime telephone number and, if available, a fax number and e-mail address of the owner of the system;
- (3) The name, mailing address, and daytime telephone number and, if available, a fax number and e-mail address of the owner's representative for water supply issues;
- (4) The name, mailing address, and daytime telephone number and, if available, a fax number and e-mail address of the sampling agent for the system;
- (5) The name, mailing address, and daytime telephone number and, if available, a fax number and e-mail address of the certified operator of the system; and
- (6) The name, mailing address, and daytime telephone number and, if available, a fax number and e-mail address of the laboratory used for bacterial monitoring.

(d) The notice provided pursuant to (a), above, shall be made not later than 10 days following the change.

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Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.03 Notice of Change of System Owner.

(a) The following notifications shall be made whenever a public water system is sold:

- (1) The seller shall notify the department of the impending sale no less than one month before the anticipated sale date; and
- (2) The buyer shall notify the department of the actual sale within 10 days after its occurrence.

(b) The notice provided by the buyer shall specify the buyer's name, mailing address, daytime telephone number, and, if available, a fax number and e-mail address.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; EXPIRED 6-4-05

New. #8475, eff 11-30-05

Env-Ws 360.04 Operational Responsibility. The system owner shall designate a person to take charge of the system in the event that an emergency occurs during the owner's absence.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.05 Operations Manual.

(a) For new public water systems, the system builder shall provide an operations manual as specified in (d), below, to the system owner prior to the start-up date of the system.

(b) The operations manual shall be subject to inspection at the time of the final certified inspection pursuant to Env-Ws 372.

(c) The system builder shall submit a copy of the operations manual to the department.

(d) The operations manual shall include:

- (1) A description of how the system functions;
- (2) Performance specifications and a description of how of each equipment component functions;
- (3) A description of the maintenance action and frequency of maintenance required for each equipment component;
- (4) Maintenance logs on which the date and type of maintenance activity performed can be recorded; and
- (5) Appropriate forms for reporting production and treatment as required by Env-Ws 360.08.

(e) All existing public water systems shall have an operations manual as described in (d) above.

(f) The operations manual shall be updated whenever:

- (1) A new facility, source, or treatment process is added to the system; or
- (2) Modifications to the facility, source, or treatment process render the existing manual obsolete.

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Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; EXPIRED 6-4-05

New. #8475, eff 11-30-05

### Env-Ws 360.06 Water System Rules.

(a) Subject to (b), below, each water system shall develop written rules that address:

- (1) Criteria relating to the extension of service to areas or customers not already served by the system, such as types and diameters of pipes and other components of the system; and
- (2) Billings and payments and other user requirements, such as whether water conservation fixtures or practices are required, conditions or activities that are prohibited because they could contaminate the water supply for the water system, and penalties for failing to abide by the policies.

(b) If the local legislative body of a political subdivision which owns a public water system does not vote to approve funding for the development of written rules and the development of such rules is not fully funded by the state, the department shall not require the rules to be developed by that political subdivision.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.07 Termination of Service.

(a) Subject to (e), below, the owner of the water system may terminate a customer's service for cause as specified in the water system's rules.

(b) Reasons identified by the owner for such termination may include any or none of the following:

- (1) Failure to pay a bill that is not being disputed under applicable legal procedures;
- (2) Misappropriation of water by the customer;
- (3) Refusal by the customer to give reasonable access to the customer's premises for necessary inspection of water system property;
- (4) Failure by the customer to address a condition that could contaminate the water system;
- (5) Violation of water use bans imposed by the water system, including but not limited to, exterior water use when a use restriction has been imposed by the water system;
- (6) Violation of formally adopted water system rules provided that the rules identify service termination as a penalty for violation; and
- (7) Tampering with water system property.

(c) Subject to (d) and (e), below, prior to terminating service the water system shall notify the customer by registered mail at least 21 days prior to the termination date.

(d) The notice required by (c), above, can be hand-delivered to the customer if delivery is confirmed in writing by a third party.

(e) A water system registered with the public utilities commission (PUC) shall use the termination procedure specified in the system's PUC franchise and tariff.

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Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.08 Submission of Production and Treatment Forms.

(a) Each public water system providing treatment shall report monthly on the system's total production and performance of the treatment process.

(b) Reportable factors for the treatment process shall be:

- (1) The type of chemical(s) used;
- (2) The total quantity of chemical(s) used daily;
- (3) A description of all analytical tests determining the concentration of any additive(s); and
- (4) Total gallons produced daily.

(c) The owner shall submit the reports to the department on or before the 10th day of the month following the month covered by the report.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.09 Priority Repair Arrangement.

(a) Where in house system repair capability does not exist, the water system owner shall establish separate repair agreements for the distribution piping system and pumps and controls.

(b) The agreements shall require the repair company to prioritize the repair of a damaged public water system before other types of business.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.10 Notice of Planned Outages.

(a) The system owner shall notify customers at least 2 days in advance of scheduled maintenance activities that are likely to result in the interruption of service to customers.

(b) For systems serving fewer than 100 customers, the notice shall be in writing and be delivered to each home or business served by the system.

(c) For systems serving 100 or more customers, notice shall be:

- (1) In writing and delivered to each home or business served by the system; or
- (2) Published in a newspaper of general circulation for the area served by the system.

(d) When newspaper publication is used, the notice shall be published at least twice with the latter publication at least 2 days before the anticipated beginning of work.

(e) If the system serves only a residential community with 100 or more service connections and elects to use newspaper notice, the system owner shall also notify, by mailed or hand-delivered written notice, any owners association that exists for the community.

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Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

Env-Ws 360.11 Responsibility to Promptly Repair and Maintain a Public Water System.

(a) Each public water system owner shall promptly repair and fully maintain the operational readiness of the system.

(b) The actions required by (a), above, shall include:

- (1) The preparation and implementation of a preventative maintenance program; and
- (2) The prompt repair of failed or impaired facilities.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

Env-Ws 360.12 Required Action After Mechanical Breakdown or Other Failure of a System.

(a) If the water system experiences a mechanical failure, water main break, or power failure or experiences an unexplained change in the water quality in the distribution system, the owner shall initiate one or more of the following actions, as appropriate to the situation:

- (1) Disinfection;
- (2) Bacterial testing;
- (3) Flushing; and
- (4) Public notice to consumers.

(b) The action(s) taken shall be determined by the system owner after a careful analysis of the event.

Source. (See Revision Note at chapter heading Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

Env-Ws 360.13 Inspection Frequency of Public Water Systems.

(a) The water system owner shall inspect the system in accordance with the following:

- (1) Source pumping stations and booster stations with no treatment shall be inspected at least once per month;
- (2) Facilities such as pressure reducing vaults and air release valves shall be inspected at least once every 6 months;
- (3) Health-related non-acute single function treatment processes of chemical addition shall be inspected at least once every 2 days;
- (4) Bacterial health-related single function treatment processes, where contaminants exist above the MCL, shall be inspected at least once per day.
- (5) Treatment processes related to nitrate/nitrite shall be inspected at least once per week;
- (6) Full surface water filtration facilities, except for slow sand filtration facilities, shall be inspected each day; and

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- (7) Non-health-related treatment facilities, other than slow sand filter facilities, shall be inspected at least once per week.
- (b) The system owner may request a reduction of the inspection frequencies specified above based on:
- (1) The type of contaminant;
  - (2) The level of equipment duplication and backup; and
  - (3) The level of online telemetered monitoring of the contaminant concentration.
- (c) The individual conducting the inspection shall have knowledge of the facilities and functions requiring action or maintenance, but this individual shall not be required to be the certified operator.
- (d) The certified operator shall determine the specific functions to be accomplished at these inspections.
- (e) The owner, or operator if directed by the owner, shall keep records of all inspections. These records shall be available for review by department staff.

Source. (See Revision Note at chapter heading Env-Ws 300)  
#6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05,  
EXPIRES: 12-1-05; ss by #8475, eff 11-30-05

### Env-Ws 360.14 Evaluating Supply Adequacy.

- (a) The water system owner shall review, periodically as needed, the sources and treatment of the water supply in relationship to customer demand, for the purpose of ensuring that the system can meet its obligations to customers.
- (b) Where it appears that demand will exceed supply, as an emergency or short-term measure, the water system owner shall take appropriate action(s) to reduce nonessential demand. Reduction of demand shall be considered as an emergency response achievable by directive from the water system to its customers. The water system shall define “nonessential demand”.
- (c) A water system shall inform the department of any actions taken or directed to reduce customer demand.
- (d) If demand, excluding exterior water use, continues to exceed supply for more than 2 years, the water system shall develop one or more additional water supply source(s).
- (e) Reoccurring annual water bans shall not be considered emergency situations and shall not be used indefinitely to control demand.
- (f) The water system may take action to modify long term demand by:
- (1) Adjusting water rates;
  - (2) Installing water meters;
  - (3) Requiring installation of water conservation devices; and
  - (4) Taking other actions such as are described in Env-Ws 390 relative to water conservation.

Source. #7673, eff 4-6-02; ss by #8475, eff 11-30-05

### Env-Ws 360.15 Emergency Plans for Community Water Systems.

- (a) The owner of each community water system shall prepare an emergency plan to address emergency situations.

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- (b) An emergency situation shall include, but not be limited to:
  - (1) A failure of, or a significant unplanned or emergency interruption in, key water treatment processes;
  - (2) A natural or man-made disaster that disrupts the water supply distribution system; or
  - (3) The accidental or intentional discharge of one or more chemicals or biological substances into the source water that significantly increases the potential for drinking water contamination;.
- (c) The emergency plan shall include the following:
  - (1) An organizational chart identifying the individuals responsible for making decisions and describing the responsibilities of each individual during an emergency situation;
  - (2) A description of how the department, local officials, water system customers, and the general public will be notified of an emergency situation;
  - (3) The mailing address, emergency telephone number, and non-emergency telephone number of each of the following local officials and agencies:
    - a. The fire department;
    - b. The police department;
    - c. At least one ambulance service;
    - d. The health officer;
    - e. The water system's primary certified operator(s); and
    - f. The owner(s) of abutting water system(s);
  - (4) The emergency and non-emergency telephone numbers of the following state agencies:
    - a. The state police;
    - b. The department's water supply engineering bureau;
    - c. The department of safety, bureau of emergency management; and
    - d. The department of health and human services, office of community and public health;
  - (5) The names and emergency and non-emergency telephone numbers for local service and repair contractors that might be needed in an emergency, including but not limited to:
    - a. An electrician;
    - b. The electric utility;
    - c. A pump specialist;
    - d. An excavation contractor; and
    - e. A hazardous waste clean-up contractor;
  - (6) The name and emergency and non-emergency telephone numbers for each service customer with unique water supply needs, including but not limited to:
    - a. Hospitals;



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- b. Nursing homes;-
  - c. Health rehabilitation centers; and
  - d. Elderly housing facilities;
- (7) A description of how the water supply needs of service customers specified in (6) above, will be met;
- (8) A list of the community water system's primary components, including but not limited to:
- a. All active wells;
  - b. All operable inactive wells;
  - c. All surface sources;
  - d. All source and distribution pump stations;
  - e. All water treatment facilities; and
  - f. All storage tanks;
- (9) An up-to-date single sheet, scaled plan of the water system, showing:
- A The locations of the features listed as required in (8) above;
  - b. All distribution lines, pumping stations, treatment facilities and storage reservoirs; and
  - c. All shutoff valves to isolate sections of the water distribution system;
- (10) A description of the community water system that includes at least the following:
- a. The total production capacity of each active and inactive well or surface water treatment plant;
  - b. The total storage capacity of the system;
  - c. The average and maximum daily demand of the system; and
  - d. The system's ability to isolate sections of the distribution system;
- (11) A description of short-term measures the community water system could use during an emergency situation, including, but not limited to:
- a. Instituting a boil order;
  - b. The use of bottled water;
  - c. Imposing water use restrictions; and
  - d. Purchasing bulk water;
- (12) A description of long-term measures the community water system could implement to address an emergency situation, including, but not limited to:
- a. Water conservation;
  - b. Development of new sources of water;

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- c. Tie-in to adjacent water supply systems; and
- d. Installation of water treatment; and

(13) A description of follow-up action and responsibility for returning to regular system operation.

(d) The owner of a community water system serving 501 or more persons shall include in the emergency plan, the following:

(1) The name, address, emergency and non-emergency telephone numbers of the following:

- a. The water system superintendent;
- b. Local newspaper(s); and
- c. Local radio station(s);

(2) A list of equipment available to repair the system; and

(3) A description of existing information relative to the hydraulic connection of all wells to estimate the extent to which a contamination event would affect total production capacity, if available.

(e) The owner of a community water system in existence prior to the original effective date of this section, April 6, 2002, was required to submit an emergency plan to the department no later than April 6, 2003.

(f) The owner of a community water system created after April 6, 2002 but before December 1, 2005 shall submit an emergency plan to the department no later than January 1, 2006.

(g) Community water systems created on or after December 1, 2005 shall submit an emergency plan to the department as part of the final approval to operate process.

(h) The water system owner shall sign and date the emergency plan prior to submittal to the department.

(i) The water system owner and primary operator shall:

- (1) Annually review the emergency plan; and-
- (2) Update the plan as necessary to reflect current information.

(j) The system owner shall file the most recent emergency plan with the department at least once every 6 years.

(k) The emergency plan shall be available for review during each scheduled sanitary survey, as required by Env-Ws 306.

Source. #8475, eff 11-30-05 (formerly Env-Ws 360.14)

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### PART Env-Ws 361 MAINTENANCE RESPONSIBILITIES

#### Env-Ws 361.01 Definitions.

(a) “Tie location records” means records showing the precise detailed dimensional measurements of all buried water supply lines, valves, and other components.

(b) “Stop and waste valve” means the valve between the water distribution system and the service customer’s premises which controls the flow of water to the premises.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8475, eff 11-30-05 (formerly Env-Ws 362.01)

#### Env-Ws 361.02 General System Maintenance.

(a) Each public water system shall have a maintenance schedule for each of the following components of the system:

- (1) Wells, reservoirs, and intakes;
- (2) Pump stations;
- (3) Electrical equipment and controls;
- (4) Water storage tanks;
- (5) Distribution system; and
- (6) Water treatment plants.

(b) The schedule shall be based on:

- (1) The maintenance frequencies recommended by the manufacturer, for those components for which such recommendations exist; and
- (2) For all other components, the frequencies commonly used in the water works industry such as are recommended by the American Water Works Association.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8475, eff 11-30-05 (formerly Env-Ws 362.02)

Env-Ws 361.03 Source Pump Test. Each well serving a community water systems shall be pump-tested every 5 years to verify the safe yield and confirm the proper operation and sizing of the pump.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8475, eff 11-30-05 (formerly Env-Ws 362.10)

#### Env-Ws 361.04 Distribution System Flushing.

(a) The owner of each water system shall cause the system to be flushed annually, or more frequently if needed, so as to maintain the cleanliness of the distribution piping.

(b) Flushing shall be done at times of minimum system usage.

(c) For systems serving less than 100 customers, the owner shall give written notice of scheduled flushing by first class mail or hand-delivery to each customer, at least one week in advance of the intended flushing date.

(d) For systems serving 100 or more customers, the owner shall give notice by:

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(1) Providing written notice by first class mail or hand-delivery to each customer at least one week in advance of the intended flushing date; or

(2) Publishing a copy of the notice in a newspaper of general circulation for that area at least one week before the flushing begins.

(e) The flushing shall be continued for a sufficient amount of time to clean the distribution system of poor quality water and sediment. Flushing flow rate shall be not less than 2.5 feet per second.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8475, eff 11-30-05 (formerly Env-Ws 362.40)

Env-Ws 361.05 Distribution Valve Operation. All distribution system gate valves shall be fully turned at least once every 12 months. This activity shall be scheduled at times of minimum customer usage.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8475, eff 11-30-05 (formerly Env-Ws 362.41)

Env-Ws 361.06 Service Line Maintenance Policy. Unless the water system has adopted formal rules to the contrary:

(a) The water system shall be responsible for the service line from the water main to the stop and waste valve; and

(b) The service customer shall be responsible for the service line from the stop and waste valve to the customer's premises.

Source. (See Revision Note at chapter heading Env-Ws 300); ss by #8475, eff 11-30-05 (formerly Env-Ws 362.42)

Env-Ws 361.07 Updating Distribution Records.

(a) Each public water system shall update, on an annual basis, the system's overall distribution system map.

(b) Each community water system shall annually review and update, as needed, the tie location records of the following:

(1) Gate valves;

(2) Stop and waste valves; and

(3) Fittings, including:

a. Tee connections;

b. Diameter change fittings;

c. Elbows;

d. Offset fittings; and

e. Caps.

(c) A copy of the distribution plan that accurately reflects current conditions at the time of submittal shall be submitted to the department once every 5 years, with the next submittal occurring on or before December 31, 2008.

(d) The water system shall not be required to submit tie location records to the department, but shall make the records available for review at the time of the field sanitary survey.

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Source. (See Revision Note at chapter heading Env-Ws 300);  
ss by #8475, eff 11-30-05 (formerly Env-Ws 362.43)

### Env-Ws 361.08 Storage Tank Inspection and Maintenance.

(a) At least once every 5 years, the water system owner shall cause the inside of each water storage tank used by the system to be inspected and evaluated for structural strength, corrosion, and other factors related to water quality.

(b) Metal surfaces shall be painted or otherwise protected as determined by the system owner, using materials approved in accordance with Env-Ws 305.

Source. (See Revision Note at chapter heading Env-Ws 300);  
ss by #8475, eff 11-30-05 (formerly Env-Ws 362.70)

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Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97; ss by #8360, INTERIM, eff 6-4-05, EXPIRES: 12-1-05; moved by #8475 (see Env-Ws 361)

## APPENDIX

Rule Section(s)	State Statute(s) Implemented
Env-Ws 360.07 – 360.11	RSA 485:3, I(c)
Env-Ws 360.12	RSA 485:41, V
Env-Ws 360.13	RSA 485:41, I and II
Env-Ws 360.14	RSA 485:3, I(c); RSA 485:41, II
Env-Ws 361	RSA 485:3, I(c); 485:11; RSA 485:41 I-IV